

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA, *ex rel.* CORI RIGSBY, *et al.*

PLAINTIFF

V.

CIVIL ACTION NO.1:06CV433 LTS-RHW

STATE FARM INSURANCE COMPANY, *et al.*

DEFENDANTS

ORDER ON MOTION FOR SUPPLEMENTAL JUROR QUESTIONNAIRE

The Court has before it the motion [794] of Defendant State Farm Fire and Casualty Company (State Farm) for use of a Supplemental Questionnaire addressed to the potential jurors in this action. For the reasons set out below, this motion will be denied.

Over the past five years, litigants in several of the individual hurricane damage cases against various insurers have requested that the Court send supplemental juror questionnaires to prospective jurors. Each of these requests has led to an extensive argument over the contents of the proposed questionnaires since both sides of a case want to frame the questions.

In each of these prior instances I have rejected the use of a supplemental juror questionnaire for several reasons: 1) it is most difficult to frame questions which are both useful and neutral to the interests of both parties; 2) the alternative use of live *voir dire* examination is, in my opinion, a superior means of determining any given individual's qualification to serve as a member of the jury; and 3) there exists a very real risk that the potential jurors will discuss the questions and answers with others in an effort to determine the reasons the questions are being asked, and this interaction may undermine the Court's ability to limit the presentation of the evidence to the relevant facts and assure that the jurors' deliberations are based solely on their perception of the evidence presented at trial.

In the past I have used a juror questionnaire consisting of a single yes or no question: "Do you or any member of your family have a pending lawsuit for Hurricane Katrina damages, or have you had such a lawsuit in the past?" This questionnaire has worked well in the past as a means of screening jurors who would be subject to dismissal for cause without creating any of the problems outlined above. I will follow this same procedure in this case.

Accordingly, it is

ORDERED

That the motion [794] of State Farm Fire and Casualty Company for the use of a supplemental juror questionnaire is hereby **DENIED**.

SO ORDERED this 26th day of October, 2010.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE